

Appl. No. 09/867,363
Amdt. dated 7/27/05
Reply to Office Action of 5/16/05

PATENT
Docket: 010094

REMARKS

This paper is responsive to the Office Action dated May 16, 2005. Applicants have not amended any of the claims. Claims 1-72 remain pending.

For the record, Applicants note that the current non-final Office Action is substantially identical to the previous non-final Office Action. The Examiner has simply replaced various citations to the Rohrbach reference (USPN 5,898,783) from the previous Office Action, with new citations to the Kolev reference (USPN 6,125,283) in the current Office Action. Other than theses changed citations, however, the current Office Action appears to be totally identical to the previous Office Action, even including the same typographical error in the rejections of claims 6, 22 and 38, which Applicants identified in the previous response.

Unfortunately, the newly cited passages of the Kolev reference (like the previously cited passages of Rohrbach) are not even remotely similar to the features recited in Applicants claims. Several clear differences between Kolev and Applicants' claims are addressed in greater detail below.

Applicants once again note that the Examiner's rejection of claims 6, 22 and 38 is unclear. For the rejection of claims 6, 22 and 38, the Examiner appears to have applied the Deschepper reference (USPN 6,094,700), but referred to the Deschepper reference as USPN 6,741,848 in the Office Action. This appears to be a typographical mistake by the Examiner, as USPN 6,741,848 was awarded to Timonen et al. and not Deschepper. For purposes of this response, Applicants have assumed that the rejection of claims 6, 22 and 38 is based on Rohrbach in view of Deschepper et al. (USPN 6,094,700).

Claim Rejections

In the Office Action, the Examiner rejected claims 1-5, 7-9, 11-13, 16-21, 23-25, 27-29, 32-37, 39-41, 43-45, 48-53, 56-61, 64-69 and 72 under 35 U.S.C. 102(e) as being anticipated by Kolev et al (US 6,125,283); rejected claims 6, 22 and 38 under 35 U.S.C. 103(a) as being unpatentable over Kolev in view of Deschepper et al. (USPN 6,094,700); rejected claims 10, 26 and 42 under 35 U.S.C. 103(a) as being unpatentable over Kolev in view of Eber et al. (USPN 6,595,414); and rejected claims 14, 15, 30, 31, 46, 47, 54, 55, 62, 63, 70 and 71 under 35 U.S.C. 103(a) as being unpatentable over Kolev in view of Timonen et al. (USPN 6,741,848).

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Applicants respectfully traverse the rejections. As discussed in detail below, the applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

The new applied primary reference (Kolev), which is currently being applied by the Examiner in all pending rejections, is completely unrelated to the inventions recited in Applicants' claims. Applicants' claims are directed to power management techniques that are executed within a wireless communication device to reduce power consumption by a subscriber identity module (SIM).

In particular, the claimed techniques of claims 1, 17 and 33 require the supply of power or the termination of power to a SIM based on whether a request is pending for service by the SIM or the device requests maintenance of power to the SIM. In this manner, the power management techniques recited in Applicants' claims permit power conservation within a wireless communication device (WCD) without undermining SIM performance. In accordance with claims 1, 17 and 33, power is terminated to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

In stark contrast to the features of Applicants' claims, the primary reference (Kolev) applied by the Examiner in all pending rejections describes techniques for enabling a "satellite mode," or a less functional "terrestrial mode" based on whether a SIM card is detected in a mobile unit. The techniques of Kolev are not concerned with power conservation whatsoever.

In Kolev, the mobile unit checks to see if a valid SIM card is present. If so, a satellite mode is enabled to allow communication over a satellite communication network. If not, a terrestrial mode is enabled, which is described as being less functional than the satellite mode, e.g., to allow emergency calls.

Independent claim 1 of the present application recites a method for controlling power to a subscriber identity module (SIM) in a wireless communication device (WCD). The method comprises supplying power to the SIM when a request is pending for service by the SIM; supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM; and terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the

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SIM. Independent claims 17 and 33 recite similar limitations to those of claim 1, in the context of a system (claim 17) and a computer readable medium (claim 33).

Kolev lacks any suggestion of the features recited in independent claims 1, 17, and 33. In particular, the techniques of Kolev are not concerned with controlling power to a SIM whatsoever. In Kolev, the mobile unit determines whether a SIM card is present and defines an operational mode of the unit based on this determination. If the SIM card is present, however, nothing in Kolev suggests that any power conservation techniques are employed, much less techniques like those recited in claims 1, 17 and 33, which require supplying power to the SIM when a request is pending for service by the SIM, supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM, and terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

In short, the cited teaching of Kolev appears to be wholly irrelevant to the features of claims 1, 17 and 33. Withdrawal of the rejections are courteously solicited.

Several dependent claims are also fundamentally different than anything disclosed in Kolev. For example, claim 2 further recites re-initiating supply of power to the SIM following termination of power to the SIM when a request from the WCD is pending for service by the SIM, and dependent claim 4 further recites re-initiating supply of power to the SIM when a software module running on the WCD requests supply of power to the SIM.

Kolev does not contemplate the re-initiation of power to the SIM when a request from the WCD is pending for service by the SIM, as recited in claim 2, nor the re-initiation of power to the SIM when a software module running on the WCD requests supply of power to the SIM, as recited in claim 4.

Indeed, the passage cited by the Examiner in rejecting claims 2 and 4 is the exact same passage cited in rejecting claim 1. As outlined, above, however, this passage is not concerned with power management whatsoever.

Applicants reserve further comment with regard to the other dependent claims of independent claims 1, 17 and 33. The rejections of claims 1, 17 and 33 should be withdrawn in view of the clear differences between Kolev and the independent claims. For at least the reasons outlined above, Kolev is clearly not suggestive of the features of claims 1, 17 and 33 and the

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various dependent claims. Applicants do not acquiesce to any of the Examiner's rejections or characterizations of the prior art.

With respect to independent claims 49, 57 and 65, Applicants submit that these claims also clearly distinguishable over Kolev and the other applied references. The features of claims 49, 57 and 65 require that a user access code retrieved from memory in the WCD is used in a security authorization process in the WCD to authorize use of secure features of the SIM.

More specifically, claims 49, 57 and 65 require storing a user access code associated with a subscriber identity module (SIM) in a memory associated with a wireless communication device (WCD), retrieving the user access code from the memory when power is resupplied to the SIM, and using the retrieved user access code in a security authorization process in the WCD to authorize use of secure features of the SIM.

Kolev lacks any suggestion of the retrieval of a user access code from the memory of a WCD, or the use of the retrieved user access code in a security authorization process in the WCD. Applicants' claimed invention recited in claims 49, 57 and 65 eliminates the need for a user to enter a code during a security authorization process in the WCD. This technique is particularly useful when power is terminated to a SIM for the power management techniques recited in independent claims 1, 17 and 33. In that case, following the re-initiation of power to the SIM, a user does not need to enter the code, e.g., by keypad entry. Instead, the code is retrieved from memory in an automated fashion to eliminate the need for a user to enter the code when power is re-supplied to the SIM.

Dependent claims 11, 27 and 43 recite features similar to those of claims 49, 57 and 65 in the context of the power management techniques recited in independent claims 1, 17 and 33. Thus, dependent claims 11, 27 and 43 should be allowed for at least the reasons outlined above with respect to independent claims 1, 17 and 33 and independent claims 49, 57 and 65.

The passage of Kolev at column 8, lines 40-59, which was cited by the Examiner in rejecting independent claims 49, 57 and 65 is reproduced below in its entirety:

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While in the embodiment of operations described with reference to FIG. 5, notification and confirmation of a switch are provided to and from the user, this is not required to obtain the benefits of the present invention. Alternatively, operations in switching communication network modes may be initiated automatically at block 88 responsive to a determination of an invalid ID at block 80. Furthermore, additional operations may be provided at block 88 to control user attempts to access a communication network for which there is no valid subscriber identity on mobile terminal 60. In such an embodiment, at block 88, after switching its communication network mode, mobile terminal 60 prevents user access to communication services on the second communication network which require a valid subscriber identity while the subscriber identity of the mobile terminal is determined to be invalid. Furthermore, any communications services of the first communication network which require a valid subscriber identity may also have their access blocked to the user of mobile terminal 60 while no valid subscriber identity is present in the mobile terminal.

Applicants are generally perplexed as to what portion of the passage of Kolev at column 8, lines 40-59, copied above, the Examiner believes to be relevant to the features of claims 49, 57 and 65. Absolutely nothing in this passage suggests storing a user access code associated with a subscriber identity module (SIM) in a memory associated with a wireless communication device (WCD), retrieving the user access code from the memory when power is resupplied to the SIM, and using the retrieved user access code in a security authorization process in the WCD to authorize use of secure features of the SIM. Nor has Applicant found any other passage in Kolev that would have been suggestive of these requirements.

None of the Deschepper, Eber or Timornen references provides any teaching that would have led a person of ordinary skill in the art to modify the techniques of Kolev to arrive at the inventions recited in Applicants' claims. Like Kolev, each of the Deschepper, Eber and Timornen references is unrelated to the features of Applicants' claims.

Deschepper describes a serial bus system for sending frames of data, and appears to be completely unrelated to a SIM, much less techniques for managing power to a SIM within a wireless communication device. Eber describes a data carrier for receiving an amplitude modulated (AM) carrier signal, and also appears to lack any relevance to a SIM, much less techniques for managing power to a SIM within a wireless communication device.

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Timornen describes techniques for temporality offering telecommunication services to a visiting device that is associated with a different network. In Timornen, the visited network gives the device a right to a temporary use of a telecommunication connection and establishes a connection with a third party in order to obtain a confirmation of paid services.

Applicants previously made these same observations with respect to Deschepper, Eber and Timornen in the previous response. Applicants are confused as to why the Examiner has applied the same secondary references without even acknowledging, much less addressing, Applicants arguments.

Given the clear and fundamental differences between the pending claims and the applied references, Applicants believe that all pending claims should be allowed over the prior art of record. Kolev, Deschepper, Eber and Timornen are all unrelated to the features of the pending claims and provide no teaching that would have led a person of ordinary skill in the art to arrive at the inventions defined by Applicants' claims.

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Conclusion

For at least the reasons outlined above, all claims in this application are in condition for allowance. Applicants do not acquiesce to any of the Examiner's rejections or characterizations of the prior art, and reserve the right to present additional arguments on the record. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 17-0026. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

Dated 7/27/05
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By:



George C. Pappas, Reg. No. 35,065
858-651-1306

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

/BY
KENYON JENCKES
REG. NO. 41,873